Әд?лет

On approval of the rules for issuing or extending certificates of aliens or stateless persons confirming their qualification for independent employment, list of priority sectors (types of economic activity) and high demand occupations for self-employment of aliens or stateless persons

Invalidated Unofficial translation

Order of the Minister of Health and Social Development of the Republic of Kazakhstan N_{2} 503, dated June 13, 2016. Registered under N_{2} 14149 in the Ministry of Justice of the Republic of Kazakhstan on August 25, 2016. It became invalid by the order of the Deputy Prime Minister - Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated June 22, 2023 N_{2} 236.

Unofficial translation

Footnote. Became invalid by the order of the Deputy Prime Minister - Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 22.06.2023 No. 236 (effective from 01.07.2023).

Footnote. The caption as amended by the order No.242 of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 14.06.2018 (shall be put in force upon the expiry of ten calendar days after the first official publication).

In accordance with subparagraph 21) of Article 7 of the Law of the Republic of Kazakhstan dated April 6, 2016 "On Public Employment" and subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan dated April 15, 2013 "On Public Services" **I HEREBY ORDER:**

Footnote. The preamble is in the wording of the Order of the Minister of Labour and Social Protection of Population of the Republic of Kazakhstan dated 29.05.2020 No. 204 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. To approve:

1) Rules for issuing or extending certificates of aliens or stateless persons confirming their qualification for independent employment in accordance with annex 1 to the present order;

2) List of priority sectors (types of economic activity) and high demand occupations for self-employment of aliens or stateless persons in accordance with annex 2 to the present order.

Footnote. Paragraph 21 amended by the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan No.242, dated 14.06.2018 (

shall be put in force upon the expiry of ten calendar days after the first official publication).

2. That Committee of Labor, Social Protection and Migration of the Ministry of Labor and social Protection of Population of the Republic of Kazakhstan shall provide:

1) state registration of the present order in the Ministry of Justice of the Republic of Kazakhstan;

2) the delivery of the present order its copy for official publication in printed periodicals and Adilet information legal system within ten calendar days after the government registration;

3) the delivery of one copy in printed and electronic form in state and Russian language to the Republican State Enterprise on the Right of Economic Use " Republican Center of Legal Information" for inclusion to the reference database of normative legal acts of the Republic of Kazakhstan within five working days from the date of the receipt of the present order;

4) placement of the present order on the internet resource of the Ministry of Health and Social Development of the Republic of Kazakhstan;

5) submission of information on carrying out the actions, specified in subparagraphs 1), 2), 3) and 4) of the present paragraph to the Department of Legal Service of the Ministry of Health and Social Development of the Republic of Kazakhstan within ten working days from official registration of the present order.

3. Control over execution of the present order shall be entrusted to the Vice-Minister of Health and Social Development of the Republic of Kazakhstan Nurymbetov B.B.

4. The present order shall be put into force in January 1, 2017 and shall be subject to official publication.

Minister of Health and Social Development of the Republic of Kazakhstan APPROVED Minister of information and communication of the Republic of Kazakhstan ______ D. Abayev July 27, 2016 APPROVED Minister of Education and Science of the Republic of Kazakhstan ______ E. Sagadiyev July 8, 2016 APPROVED

Duysenova T.

Minister for Investments and Development Of the Republic of Kazakhstan Z. Kasymbek July 20, 2016 **APPROVED** Minister of Culture and sports Of the Republic of Kazakhstan A. Mukhamediuly June 30, 2016 **APPROVED** Minister of foreign affairs Of the Republic of Kazakhstan E. Idrisov June 29, 2016 **APPROVED** Minister of Internal Affairs Of the Republic of Kazakhstan K. Kasymov June 27, 2016 **APPROVED** Minister of Energy Of the Republic of Kazakhstan K. Bozumbayev June 16, 2016

> Appendix 1 to the order No. 503 of the Minister of Health and Social Development Of the Republic of Kazakhstan dated June 13, 2016

Rules

for issuing or extending certificates to a foreigner or a stateless person on the compliance of his/her qualification for self-employment

Footnote. The rules are in the wording of the order of the Minister of Labour and Social Protection of Population of the Republic of Kazakhstan dated 25.12.2020 No. 537 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for issuing or extending certificates to a foreigner or a stateless person on the compliance of his/her qualification for self-employment (hereinafter – the Rules), have been developed in accordance with subparagraph 21) of Article 7 of the Law of the Republic of Kazakhstan dated April 6, 2016 "On Public Employment" (hereinafter - the Law), with subparagraph 1) of Article 10 The Law of the Republic of Kazakhstan dated April 5, 2013 "On Public Services" and shall determine the procedure for issuing or extending certificates to a foreigner or a stateless person on the compliance of his/her qualification for self-employment.

2. The following basic concepts are used in these Rules:

1) certificate of conformity of qualification for self-employment (hereinafter- the certificate) - a document of the established form, issued in the manner determined by the authorized body for employment of the population, to a foreigner or a stateless person who meets the qualification requirements and level of education, for self-employment in the Republic of Kazakhstan by professions in demand in priority sectors of the economy (types of economic activity);

2) an executive body financed from the local budget - a state institution authorized by the akimat of regions, the cities of Nur-Sultan, Almaty, and Shymkent to perform functions on ensuring the promotion of employment of the population (hereinafter - the local executive body);

3) an authorized body on the issues of public employment (hereinafter - the authorized body) - the central executive body of the Republic of Kazakhstan, carrying out management and intersectoral coordination in the field of public employment in accordance with the legislation of the Republic of Kazakhstan.

Chapter 2 The procedure for issuing or extending a certificate to a foreigner or a stateless person on the compliance of his/her qualification for self-employment

3. A foreigner or a stateless person (or a person authorized by him/her) to receive the state service "Issuance or extension of a certificate to a foreigner or a stateless person on the compliance of his/her qualification for self-employment" sends an application for issuing a certificate in the form according to Appendix 1 to these Rules through the "electronic government" web portal.

4. The list of basic requirements for the provision of a public service, including the characteristics of the process, the form, content, and result of the provision, as well as other information, taking into account the specifics of the provision of a public service, is given in the public service standard in accordance with Appendix 2 to these Rules (hereinafter- the standard).

5. When the applicant submits documents on the "electronic government" web portal, the "personal account" displays the status of acceptance of the application for

the provision of a public service, indicating the date and time of receipt of the result of a public service.

6. The commission for assessing the compliance of a foreigner or a stateless person with the requirements for qualification and level of education (hereinafter - the Commission) is created by local executive bodies, which includes representatives of local executive bodies, representatives of territorial bodies, authorized bodies in the field of education, bodies of internal affairs, state support for industrial and innovative activities, the National Chamber of Entrepreneurs of the Republic of Kazakhstan " Atameken", associations, as well as representatives of territorial bodies of central government bodies, supervised sectors of which are provided in the list of priority sectors (types of economic activity) and professions in demand in them for self-employment of foreigners or stateless persons.

7. If the submitted documents are complete, the employee of the local executive body shall send them for consideration by the Commission within two working days from the date of registration of the documents.

8. The commission, when considering applications and documents of foreigners or stateless persons, shall check their compliance with the requirements for qualifications and the level of education for professions in demand, in priority sectors of the economy , approved by the authorized body in the manner prescribed by these Rules.

The level of education (professional training) and experience (length of service) of practical work of a foreigner or a stateless person applying for a certificate must meet the qualification requirements in accordance with professional standards according to paragraph 2 of Article 117 of the Labor Code of the Republic of Kazakhstan dated November 23, 2015 (hereinafter - Labor Code), Qualification directory of positions of managers, specialists, and other employees, approved by the authorized body in accordance with subparagraph 16-1) of Article 16 of the Labor Code, typical qualification characteristics of positions of managers, specialists and other employees of organizations.

9. The Commission conducts an assessment based on an analysis of the documents submitted by a foreigner or a stateless person, as well as the qualification criteria provided for in paragraph 10 of these Rules, and makes recommendations on issuing or refusing to issue a certificate to a foreigner or a stateless person, with a reasoned justification for the reasons for refusal provided for by paragraph 12 of these Rules. The decision of the Commission shall be made separately for each foreigner or stateless person, drawn up in a protocol and signed by the members of the Commission present at the meeting.

10. In accordance with the criteria for qualification characteristics, the following points shall be awarded to a foreigner or a stateless person by the Commission:

1) education:

higher education in a specialty corresponding to professions in demand in priority sectors of the economy (types of economic activity) - 3 points;

academic degree in a specialty corresponding to professions in demand in priority sectors of the economy (types of economic activity) - 4 points;

certificate for teaching English - 3 points;

2) work experience:

work experience in a specialty corresponding to professions in demand in priority sectors of the economy (types of economic activity):

from 1 to 3 years - 2 points;

from 3 to 10 years - 4 points;

from 10 years and above - 6 points.

11. Based on the recommendation of the Commission, the local executive body, within 5 (five) working days from the date of acceptance of the application, shall make a decision to issue a certificate of qualifications for self-employment in the form in accordance with Appendix 3 to these Rules or to refuse to provide a public service.

12. Refusal to issue a certificate to a foreigner or a stateless person shall be carried out in accordance with the standard.

13. The result of the provision of public service shall be sent to the "personal account" of an applicant on the portal in the form of an electronic document signed by an electronic digital signature of an authorized person of the service provider.

14. A certificate issued by the local executive body shall not be subject to transfer to another person and shall be valid on the territory of the Republic of Kazakhstan.

15. The certificate shall be issued for a period not exceeding three months.

16. If a foreigner or a stateless person submits documents stipulated by the standard for extending the certificate, the local executive body within three working days shall extend the certificate for the duration of the employment contract, but not more than three years.

17. In order to extend the term of the certificate, a foreigner or a stateless person, within five working days from the date of conclusion of an employment contract with the employer, shall send the documents provided for by the standard for extending the certificate through the "electronic government" web portal.

18. In the event of a change of employer during the certificate's validity period, a foreigner or a stateless person shall send a written notification to the local executive body about this within five working days from the date of the conclusion of a new employment contract.

19. When changing the employer, the issuance of a certificate to a foreigner or a stateless person shall be carried out in the manner prescribed by paragraphs 16 and 17 of these Rules.

20. Upon termination of an employment contract on the grounds provided for by the labor legislation of the Republic of Kazakhstan, a foreign employee or a stateless person shall send a written notification about this to the local executive body within five working days.

21. The basis for the withdrawal of a certificate shall be the implementation by a foreigner or a stateless person of labor activity in profession that does not correspond to the certificate.

22. Re-issuance of a previously issued certificate shall be carried out in case of a change in the surname, name, patronymic (if any), number, and series of the document proving the identity of a foreigner or a stateless person.

A foreigner or a stateless person, within five working days from the date of changing the surname, name, patronymic, number, and series of the document proving the identity of a foreigner or a stateless person, shall submit an application through the "electronic government" web portal for reissuing a certificate, attaching copies of documents confirming the given information.

The local executive body, within three working days from the date of submission of the application, reissues the certificate with the assignment of a new number. In case of loss or damage of the certificate, the local executive body issues a certificate within five working days from the date of filing the application.

In this case, the issued certificate is valid until the expiration date of the lost or damaged certificate indicated in the original.

Lost, damaged certificates are considered invalid from the day a foreigner or a stateless person submits a written application through the e-government web portal about its loss or damage.

23. Appeal against decisions, actions (inaction) of the local executive body and (or) its officials on the provision of public services, the complaint shall be filed to the head of the local executive body.

The applicant's complaint received by the local executive body shall be subject to consideration within 5 (five) working days from the date of its registration.

In case of disagreement with the results of the public service provided, the applicant shall file a complaint to the authorized body for assessing and monitoring the quality of the provision of public services.

A complaint received by the authorized body for assessing and monitoring the quality of the provision of public services shall be subject to consideration within 15 (fifteen) working days from the date of its registration.

In cases of disagreement with the results of the rendered public service, the applicant shall apply to the court in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

24. The certificate shall be terminated in the following cases:

1) expiration of the period for which it was issued;

2) revocation of the issued certificate;

3) discovering that a foreigner or a stateless person is carrying out labor activity by the profession that does not correspond to the certificate.

Appendix 1 to the Rules for issuing or extending certificates to a foreigner or a stateless person on the compliance of his/her qualification for self-employment Form

name of the local executive body of regions, cities of Nur-Sultan, Almaty and Shymkent from

(surname, name, patronymic (if any)

(passport №number (document proving the identity) date and issuing authority) Address, phone, fax

Location in the country of residence, telephone

APPLICATION

I hereby ask you to issue/extend a certificate on compliance of qualification for self-employment by profession

⁽specify the profession, sector of the economy (type of economic activity)

according to the list approved by the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated June 13, 2016 No. 503 "On approval of the Rules for issuing or extending certificates to a foreigner or a stateless person on the compliance of his/her qualification for self-employment, a list of priority sectors (types of economic activity) and professions in demand in them for self-employment of foreigners and stateless persons") (registered in the Register of state registration of regulatory legal acts under No. 14149).

I hereby agree to the collection and processing of my personal data necessary for the issuance of a certificate on the compliance of qualification for self-employment. Attached to the application:

1)		
2)		
3)		
Date of application: "		
Applicant's signature _		Appendix 2 to the Rules for issuing or extending certificates to a foreigner or a stateless person on the compliance of his/her qualification for self-employment
Standard of a public service "Issuan compliance of qualification for self-e	ce or extension of a certificate to a form mployment"	oreigner or a stateless person on the
1	Name of the service provider	Local executive bodies of regions, cities of Nur-Sultan, Almaty, and Shymkent (hereinafter- the service provider)
2	Methods of providing a public service	The web portal of "electronic government" www.egov.kz, www. elicense.kz
3	The term for the provision of a public service	Issuance of a certificate for up to three months - within 6 (six) working days (from the date of registration of the application). Extension of the certificate - within 3 (three) working days. Reissuance of the certificate - within 3 (three) working days. Issuance of a certificate in case of loss, damage of a certificate - within 5 (three) working days.
4	Form of provision of a public service	Electronic
5	The result of the provision of a public service	Certificate on the compliance of qualification for self-employment, or a reasoned response to the refusal to provide public services on the grounds provided for in paragraph 9 of this standard.
6	The amount of payment charged from the service recipient in the provision of a public service, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	Free of charge
		The portal's work schedule is around the clock, with the exception of

7	Schedule	technical breaks due to repair works (when the employer applies after the end of working hours, on weekends and holidays, in accordance with the Labor Code of the Republic of Kazakhstan (hereinafter - the Code), acceptance of applications and issuance of the result of the provision of public services shall be carried out the next working day).
8	List of documents	 For issuing a certificate: an application for issuing a certificate in the approved form in the language of the application, with translation into Kazakh or Russian; a copy of the document proving the identity of the foreigner; notarized translations (in Kazakh or Russian) of education documents that have passed the procedure of recognition or nostrification in the manner established by the legislation of the Republic of Kazakhstan on education, except as otherwise provided by international treaties ratified by the Republic of Kazakhstan, or notarized translations (in Kazakh or Russian) certificates for teaching English; a copy of the document confirming the labor activity, certified by a notary, as well as its translation into Kazakh or Russian. To extend the reference period: an application for the extension of a certificate in any form in the language of appeal, with translation into Kazakh or Russian, indicating information about the employer, including the name, business identification number, or individual identification number, or individual identification number, or individual identification number of the employer; a copy of the document contract. To reissue a certificate in case of a change in the surname, name, patronymic (if any), number, and series of the document proving the identity of a foreigner or a stateless person: application for renewal of certificate;

		 a copy of the document, with changes in the last name, first name, patronymic, number, and series of the identity document. 4. If the certificate is lost or damaged : application for issuance of a duplicate certificate.
9		 Non-compliance with the requirements for qualification and the level of education for professions in demand in priority sectors of the economy (types of economic activity) with the provided list of priority sectors (types of economic activity) and professions in demand in them for self-employment of foreigners and stateless persons. Not reaching the threshold value of the evaluation result of a foreigner or a stateless person amounting to five points. Establishing the unreliability of the documents submitted by the service recipient for receiving a public service, and (or) the data (information) contained therein.
10	Other requirements, taking into account the specifics of the provision of a public service, including those provided in electronic form	 The service recipient shall have the opportunity to obtain information on the procedure and status of the provision of a public service through the Unified Contact Center "1411". To apply through the "electronic government" web portal www.egov.kz, www. elicense.kz, the service recipient needs to obtain an individual identification number (IIN) in order to receive an electronic digital signature (EDS).

Appendix 3 to the Rules for issuing or extending certificates to a foreigner or a stateless person on the compliance of his/her qualification for self-employment

_____ name of

the local executive body of regions, cities of Nur-Sultan, Almaty, and Shymkent CERTIFICATE on the compliance of the qualification for self-employment

No. _____ dated "" _____ 20___

Issued by _____

(surname, name, patronymic (if any)

that he (she) meets the qualification requirements and the level of education for self-employment

in the Republic of Kazakhstan in the following profession, in demand in priority sectors of the economy:

(specify the profession that is in demand in priority sectors of the economy, the industry according

to the list approved by the order of the Minister of Healthcare and Social Development

of the Republic of Kazakhstan dated June 13, 2016 No. 503 "On approval of the Rules for issuing

or extending certificates to a foreigner or a stateless person on the compliance of his/her qualifications

for self-employment, a list of priority sectors and professions in demand in them for self-employment

of foreigners and stateless persons") (registered in the Register of state registration of regulatory

legal acts under No. 14149).

Grounds for issuing a certificate

Certificate validity period: from _____ (day, month, year) to _____

(day, month, year) S.P.

(surname, initials) (signature)

Annex 2 To the order No. 503 of the Minister of Health and Social Protection of the Republic of Kazakhstan dated June 13, 2016

List of priority sectors (types of economic activity) and demanded professions for self-employment of foreigners

Footnote. List as amended by the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan No.242, dated 14.06.2018 (shall be put in force upon the expiry of ten calendar days after the first official publication).

№	Priority branches of economy	Types of economic activity	Professions
1	2	3	4
	General secondary education	recommended occupatio organization: 1) biology teacher (with language) 2) computer science teach foreign language)	h) qualification framework (ns within education knowledge of a foreign her (with knowledge of a teacher (with knowledge of knowledge of a foreign h knowledge of a foreign
1.	Technical or professional secondary education	 Teacher - 6-th and 7- according to national (branch recommended occupation organization: general education, social profession and special court profile) (with knowledge of 2) foreign language teacher 	 h) qualification framework (ns within education al and economic, general ses teacher (according to a
	Higher or postgraduate education	 Lecturer, research engine qualification according qualification framework (n within education organization 1) special courses instruct foreign language) research engineer (with language) manager (rector, pro-rea- with knowledge of a foreign 4) foreign language teacher 	to national (branch) recommended occupations on: tor (with knowledge of a n knowledge of a foreign ctor, dean, unit manager) (
			 Anesthesiologist, emergency physician 2. Children's operating surgeon (neonatal) 3. General practice doctor 4. Neonatology physician 5. Oncohematologist

2.	Healthcare and social service	Health activities	 6. Oncologist 7. pathoanatomist (including cytopathologist) 8. Pediatric physician 9. Addiction psychiatrist 10. Physical engineer (in medicine) 11. Tuberculotherapist
3.	Real estate operations, lease and consumer services	Activities, involving computer science	 Software product assistance specialist (special effects specialist, specialist in the technology industry, animations or computer-generated graphics) Programmer (computer) (Software programmer) Database administrator Software engineer for introduction of new technology System architect System analyst
4.	Municipal, social and personal services	Recreational activities, entertainment, cultural and sporting events	 Actor Props man Equipment maintenance engineer (audio, video) Sound engineer (Dolby surround system) Fine art expert Testing and film processing engineer (motion picture development) Layer, economist, engineer with the 7-th and 8-th level of qualification according to national (branch) qualification framework (recommended occupations within education organization: 1) center director (museum, scientific and engineering art)
		Railway service	1. Factory inspector (railway products)
			 Aviation design engineer Air transportation operator (passenger, mail, international) (flight operations specialist)

5.	Transport and communication	Air transport activities	 Aviation equipment diagnostics engineer (maintenance, repair and diagnosis of aircraft equipment) Avionics engineer Aircraft passenger cabin equipment specialist Spacecraft ballistic equipment provision specialist Specialist in onboard systems of spacecrafts Operating control service engineer (aerial vehicle preparation control, provision of a daily flight plan, information and reference works) (aviation standards and publication specialist) Flight security administrator (flight operating safety)
		Maritime transport operations	Lawyer, economist, engineer – 7-th and 8-th level of qualification according to national (branch) qualification framework (recommended occupations: 1) port fleet chief 2) deputy chief of the port fleet) 2. Captain-instructor 3. Shipbuilding design engineer 4. Shipbuilding maintenance chief engineer 5. Engineer-instructor 6. Underwater technical operations engineer (construction of marine pipelines, underwater pipeline engineer) 8. Supervisor (for marine structures) 9. Electric systems engineer (marine equipment operation) Lawyer, economist,
			engineer – 7-th and 8-th

Metallurgy industry and production of finished metal products	 level of qualification according to national (branch) qualification framework (recommended occupations: 1) director (director general , director of operations, president, chairman, administrator) of organization 2) investor relations director 3) deputy director (director, vice-president) of production 4) investor relations manager 5) chief of department of investor relations)
Coke industry, oil and nuclear materials production	Lawyer, economist, engineer – 7-th and 8-th level of qualification according to national (branch) qualification framework (recommended occupations: 1) director (director general , director of operations, president, chairman, administrator) of organization 2) investor relations director 3) deputy director (director, vice-president) of production 4) investor relations manager 5) chief of department of investor relations)
	Lawyer, economist, engineer – 7-th and 8-th level of qualification according to national (branch) qualification framework (recommended occupations: 1) director (director general , director of operations,

		Food production, including beverages and tobacco	president, chairman, administrator) of organization 2) investor relations director 3) deputy director (director, vice-president) of production 4) investor relations manager 5) chief of department of investor relations)
5.	Processing industry	Chemical and petrochemical industry	 Instrument and automation engineer in the field of gas transportation Equipment batching engineer (in the field of gas transportation) Line structures engineer (in the field of gas transportation) Production manager Debugging test engineer (in the field of gas transportation) Technical engineer Debugging, technological development and exploitation engineer (in the field of gas transportation) Chemical engineer Electric engineer (power and water supply, electrochemical protection)
		Production of machinery and equipment	 Chief engineer Performance standards engineer Lawyer, economist, engineer – 7-th and 8-th level of qualification according to national (branch) qualification framework (recommended occupations: director (director general , director of operations, president, chairman, administrator) of organization

	 2) investor relations director 3) deputy director (director, vice-president) of production 4) investor relations manager 5) chief of department of investor relations) 4. Electric engineer
Production of electric, electronic and optical equipment	 Chief engineer Lawyer, economist, engineer – 7-th and 8-th level of qualification according to national (branch) qualification framework (recommended occupations: qualification director (director general, director of operations, president, chairman, administrator) of organization investor relations director deputy director (director, vice-president) of production investor relations manager chief of department of investor relations) Technical engineer Maintenance engineer Maintenance engineer machinery
Manufacture of other non-metallic mineral products	Lawyer, economist, engineer – 7-th and 8-th level of qualification according to national (branch) qualification framework (recommended occupations: 1) director (director general , director of operations, president, chairman, administrator) of organization 2) investor relations director

production
4) investor relations manager5) chief of department of investor relations)

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